

# **EXHIBIT E**

## **Part II**

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sent Safety Recall Notice RVXX0601 dated February 2006. Great West would be willing to enter into a protective order in order to protect any confidential business information which may be contained in any such responsive documents.

24. All documents or lists identifying all Volvo trucks whose owners were sent Safety Recall Notice RVXX0601 dated September 2006.

**RESPONSE:** In addition to its general objections, Volvo Trucks objects to Request to Produce No. 24 to the extent it seeks confidential business information between Volvo Trucks and its customers, is vague, ambiguous, overbroad, unduly burdensome, seeks irrelevant information, and is not reasonably calculated to lead to admissible evidence.

COMMENT: None.

25. All documents or lists identifying all Volvo trucks which had the safety defect described in Safety Recall Notice RVXX0601 repaired prior to September 2006.

**RESPONSE:** In addition to its general objections, Volvo Trucks objects to Request to Produce No. 25 to the extent it seeks confidential business information between Volvo Trucks and its customers, is vague, ambiguous, overbroad, unduly burdensome, seeks irrelevant information, and is not reasonably calculated to lead to admissible evidence.

COMMENT: None.

26. All documents or lists identifying all Volvo trucks which had the safety defect described in Safety Recall Notice RVXX0601 repaired after being sent Safety Recall Notice RVXX0601 - Second Notice dated September 2006.

**RESPONSE:** In addition to its general objections, Volvo Trucks objects to Request to Produce No. 25 to the extent it seeks confidential business information between Volvo Trucks and its customers, is vague, ambiguous, overbroad, unduly burdensome, seeks irrelevant information, and is not reasonably calculated to lead to admissible evidence.

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COMMENT: None.

27. A list of the names, addresses and specialties of all experts.

**RESPONSE: Without waiving its general objections, undetermined at present. Volvo Trucks specifically reserves the right to identify said experts pursuant to the Court's order.**

COMMENT: None.

28. All documents which your experts have received, or have based their opinion or conclusions upon, or other documents that your expert intend to rely upon or review for their own opinions or conclusions.

**RESPONSE: Without waiving its general objections, undetermined at present. Volvo Trucks specifically reserves the right to identify said documents pursuant to the Court's order.**

COMMENT: None.

29. Any and all inspection reports, test reports, test results or other writings prepared by anyone who has examined the Subject Truck, or any components of the Subject, Truck prior or subsequent to the November 6, 2006 truck fire.

**RESPONSE: Without waiving its general objections, see the investigation report produced to Volvo Trucks by Plaintiff. Investigation continues.**

COMMENT: Great West requests that Volvo supplement its response to this Request. Has Volvo determined whether any such inspections of the Subject Truck occurred?

30. Any and all photographs or video recordings taken of the Subject Truck prior or subsequent to November 6, 2006.

**RESPONSE: Without waiving its general objections, none other than those photographs produced to Volvo Trucks by Plaintiff.**

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COMMENT: None.

31. All expert reports which you seek to introduce at the trial of this case, or relating to the Subject Truck.

**RESPONSE: Without waiving its general objections, undetermined at present. Volvo Trucks specifically reserves the right to identify said documents pursuant to the Court's order.**

COMMENT: None.

32. The Curriculum Vitae of any expert who has prepared a report which you seek to rely upon at trial.

**RESPONSE: Without waiving its general objections, undetermined at present. Volvo Trucks specifically reserves the right to identify said documents pursuant to the Court's order.**

COMMENT: None.

33. Any and all documents or tangible things not listed above that you plan on introducing as evidence at trial or for using for demonstrative purposes.

**RESPONSE: Without waiving its general objections, see Defendant's Federal Rule of Civil Procedure 26(a)(1) Disclosures. Volvo Trucks specifically reserves the right to supplement said documents or tangible things, as necessary, as litigation proceeds.**

COMMENT: None.

34. Any and all insurance policies that purport to provide coverage to you for the allegations stated in the present complaint.

**RESPONSE: In addition to its general objections, Volvo Trucks objects to Request to Produce No. 34 to the extent it seeks irrelevant information and is not reasonably calculated to lead to admissible evidence. Without waiving said objections, Volvo Trucks is self insured.**

COMMENT: None.

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35. All correspondence, communications between you and the National Highway Traffic Safety Administration or any other local, state or federal governmental agency relating to the safety defect described in Safety Recall Notice RVXX0601.

**RESPONSE:** In addition to its general objections, Volvo Trucks objects to Request to Produce No. 35 to the extent that it seeks irrelevant information, is not reasonably calculated to lead to admissible evidence, is vague and ambiguous, is overbroad, and is unduly burdensome. Without waiving said objection, see VTNA\_0115 - VTNA\_0117.

**COMMENT:** The documents responsive to this Request are relevant to this litigation as such documents would provide information as to when Volvo learned of the defect described in the Safety Notice; Volvo's actions taken to correct the defect or inform owners of the defect; and recommendations of the National Highway Traffic Safety Administration. It is unclear from Volvo's response if VTNA 0115-0117 constitutes the entire universe of documents responsive to this Request. Is it Volvo's contention that other than VTNA 0115-0117 there is no other correspondence, communications between Volvo and the National Highway Traffic Safety Administration or any other local, state or federal governmental agency relating to the safety defect described in Safety Recall Notice RVXX0601? If not, Great West requests that Volvo produce all documents responsive to this Request.

36. All documents which Volvo provided to the National Highway Traffic Safety Administration or any other local, state or federal governmental agency relating to the safety defect described in Safety Recall Notice RVXX0601.

**RESPONSE:** In addition to its general objections, Volvo Trucks objects to Request to Produce No. 36 to the extent that it seeks irrelevant information, is not reasonably calculated to lead to admissible evidence, is vague and ambiguous, is overbroad, and is unduly burdensome. Without waiving said objections, see VTNA\_0115 - VTNA\_0117.

**COMMENT:** See Comment to Request 35.

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**VOLVO'S JUNE 1, 2009 ANSWERS TO PLAINTIFF'S REQUESTS TO ADMIT**

1. Admit that the Truck was manufactured with the safety defect described in Safety Recall Notice RVXX0601.

**RESPONSE:** Volvo Trucks objects to this request to the extent it calls for a legal conclusion. Without waiving its objection, as stated in the Safety Recall Notice RVXX0601, Volvo Trucks admits that subsequent to the manufacture and delivery of the Truck to Chicago Logistics, Volvo Trucks discovered that Volvo model vehicles identified in the Safety Recall Notice RVXX0601 may be subject to a safety issue in the event an EGR cooler pipe becomes damaged or loose. As such, Volvo Trucks required the owners of such trucks to bring the trucks to a Volvo Parts and Service Center to remedy any potential safety issue, which Chicago Logistics failed to do in this case. Volvo Truck denies any remaining allegations of Request to Admit No. 1.

**COMMENT:** By denying Request to Admit Number 1 is Volvo denying that the Truck was manufactured with the safety defect described in Safety Recall Notice RVXX0601? If so, Great West requests that Volvo supplement its document production to include all documents which supports this contention. If not, Great West requests that Volvo admit Request to Admit Number 1.

2. Admit that Volvo presently manufactures Volvo trucks with the safety defect described in Safety Recall Notice RVXX0601.

**RESPONSE:** Volvo Trucks denies Request to Admit No. 2.

**COMMENT:** None.

3. Admit that Volvo designed and manufactured the Volvo Model VNL 64T Truck bearing serial number 4V4NC9GHX6N437372.

**RESPONSE:** Volvo Trucks admits that it designed certain components and assemblies of the Volvo Model VNL 64T Truck bearing serial number V4NC9GHX6N437372 and manufactured certain components and assemblies based upon those designs, and purchased certain components and assemblies manufactured by third-parties based upon Volvo Trucks' designs or based upon

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**the designs of the third-party manufacturer, but denies that it designed and manufactured the engine in said truck.**

COMMENT: Volvo denies that it designed and manufactured the engine in the Truck. However, Volvo's response does not respond to the Request to Admit. Request to Admit Number 3 requested that Volvo admit that it designed and manufactured the Volvo Model VNL 64T Truck bearing serial number 4V4NC9GHX6N437372. Great West requests that Volvo respond to Request to Admit Number 3.

4. Admit that the November 6, 2006 fire that is referenced in Plaintiff's Complaint was caused, in part, by a defective pipe in the Exhaust Gas Recirculation System of the Truck.

**RESPONSE: Volvo Trucks objects to this request to the extent it calls for a legal conclusion. Without waiving the objection, Volvo Trucks admits only that the sole proximate cause of the November 6, 2006 fire was Chicago Logistics' failure to inspect and/or service the EGR system of the Truck after receiving the Safety Recall Notice RVX.X0601, which was necessary to prevent a safety issue in the event the EGR cooler pipe became damaged or loose. Volvo Trucks denies any remaining allegations of Request to Admit No. 4.**

COMMENT: Volvo objects to Request to Admit Number 4 to the extent that it calls for a legal conclusion. Request to Admit Number 4 does not call for a legal conclusion. It does not request Volvo to admit that the defective pipe in the Exhaust Gas Recirculation System of the Truck was the proximate cause of the November 6, 2006 fire. Rather, it merely requests Volvo to admit that November 6, 2006 fire was caused, in part, by the defective pipe in the Exhaust Gas Recirculation System of the Truck. By denying Request to Admit Number 4 is it Volvo's contention that the November 6, 2006 fire was not caused, in part, by a defective pipe in the Exhaust Gas Recirculation System of the Truck? If so, Great West requests that Volvo supplement its document production and produce all documents which support this contention. If not, Great West requests that Volvo admit Request to Admit Number 4.



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Requests to Admit Numbers 5-12 included in Great West's First Set of Requests to Admit were withdrawn and subsequently included in Great West's Second Set of Requests to Admit.

13. Admit that LeBeau Brothers, Inc. located at 295 N. Harrison Avenue, Kankakee, Illinois is an authorized Volvo Parts and Service Center.

**RESPONSE:** Volvo Trucks admits only that LaBeau Brothers is an authorized Volvo Trucks Dealer, denies any remaining allegations of Request to Admit No. 13.

**COMMENT:** None.

14. Admit that you never sent Chicago Logistics any correspondence or notices advising that Chicago Logistics should not operate those trucks subject to Safety Recall Notice RVXX0601 in which the EGR cooler inlet pipes and/or the pipes that connect the EGR valves to the cooler were not cracked and broken until the safety defect described Safety Recall Notice RVXX0601 (SIC).

**RESPONSE:** Volvo Trucks objects to this request to the extent it is argumentative, vague, and ambiguous. Without waiving the objection Volvo Trucks admits only that the Safety Recall Notice RVXX0601, which Volvo Trucks twice mailed to Chicago Logistic states in as follows:

**SAFETY RISK:** If a pipe fails and is left untreated, the air cleaner and inner fender may be exposed to hot exhaust gases, which could potentially lead to a fire.

**PRECAUTIONS YOU CAN TAKE: WARNING!** In the event that a pipe fails, the driver will hear increase in exhaust noise, which is discernible from normal engine noise. Owners must make driver(s) aware that advance warning in the form of additional noise from under the hood suggests a potential EGR cooler pipe exhaust leak that warrants immediate inspection of the pipes. The driver must stop the vehicle immediately in a safe location and inspect the pipes according to the included inspection instructions (see page



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3). These instructions must also be used during pro-trip inspections until the recall repair is performed. Failure to take these precautions and to also advise drivers may result in a fire.

**WHAT YOU SHOULD DO:** You should contact the nearest Volvo Parts and Service Center and make an appointment. The vehicle will be inspected and a heat shield will be installed at no charge to you. All Volvo Parts and Service Centers have been sent a bulletin covering all the details required to perform the safety recall. Volvo Trucks North America strongly recommends that you follow the actions stated in the precaution section above until the heat shield is installed. If your vehicle has the aforementioned condition (pipe separated or broken ), you should not operate the vehicle and should contact the Volvo Action Service Support Center at 1-877-800-4945 for further instructions.

In addition, the Standard Volvo Engine Warranty Certificate, which was provided to Chicago Logistics upon purchase of the Truck, states as follows:

**Exclusions: REPAIR:** Warranty consideration can only be given if the deficiency is brought to the attention of an authorized Volvo Trucks dealer upon discovery and the engine must be made available, in a timely fashion during the warranty period, for repair. Failures resulting from the user's unreasonable delay in making the engine available, after being notified of a potential product problem, are not covered.

Volvo Trucks' Standard Truck Warranty Certificate, which was also provided to Chicago Logistics upon purchase of the Truck, states as follows:

**Exclusions: REPAIR:** Warranty consideration can only be given if the deficiency is brought to the attention of an authorized Volvo Trucks dealer upon discovery and the truck must be made available, in a timely fashion during the Warranty period, for repair. Failures resulting from the user's unreasonable delay in making the truck available, after being notified of a potential product problem, are not covered.

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**Volvo Trucks further admits that, prior to the issuance of the first Recall Notice, it issued a press release on January 26, 2006 to numerous media outlets advising, among other things, that if operators" hear an exhaust leak or noise under the hood, they should stop the vehicle immediately and inspect the pipes. Volvo Trucks also urges customers to examine these pipes during their pre-trip inspection, to check for any cracks or loose sealing." Volvo Trucks denies any remaining allegations of Request to Admit No. 14.**

COMMENT: Volvo goes to great length not to respond to Request to Admit 14. Request to Admit 14 requested Volvo to admit that it did not send any correspondence or notices advising that Chicago Logistics should not operate those trucks subject to Safety Recall Notice RXX0601 in which the EGR cooler inlet pipes and/or the pipes that connect the EGR valves to the cooler were not cracked and broken until the safety defect described Safety Recall Notice RVXX0601 was repaired. In responding to Request to Admit 14, Volvo proffers language from Safety Recall Notice RVXX0601. None of the language proffered by Volvo purports to suggest that Chicago Logistics should not operate those trucks subject to Safety Recall Notice RXX0601 in which the EGR cooler inlet pipes and/or the pipes that connect the EGR valves to the cooler were not cracked and broken until the safety defect described Safety Recall Notice RVXX0601 was repaired. Despite that fact, Volvo denies the Request to Admit Number 14. Does Volvo contend that it sent any correspondence or notices advising that Chicago Logistics should not operate those trucks subject to Safety Recall Notice RXX0601 in which the EGR cooler inlet pipes and/or the pipes that connect the EGR valves to the cooler were not cracked and broken until the safety defect described Safety Recall Notice RVXX0601 was repaired? If so, Great West requests that Volvo supplement its document production to include any such correspondence. If not, Great West requests that Volvo admit Request to Admit Number 14.

15. Admit that you never sent Chicago Logistics any correspondence or notices advising Chicago Logistics of a required or suggested time period within which those trucks subject to Safety Recall Notice RVXX0601 whose EGR cooler inlet pipes and/or the pipes that connect the EGR valves to the cooler were not cracked or broken must be brought to a Volvo Parts and Service Center to be repaired.

**RESPONSE: Volvo Trucks objects to this request to the extent it is argumentative, vague, and ambiguous. Without waiving its objections, Volvo Trucks admits only that the Safety Recall**

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**Notice RVXX0601, which Volvo Trucks twice mailed to Chicago Logistics, states in part as follows:**

**SAFETY RISK:** If a pipe fails and is left untreated, the air cleaner and inner fender may be exposed to hot exhaust gases, which could potentially lead to a fire.

**PRECAUTIONS YOU CAN TAKE: WARNING!** In the event that a pipe fails, the driver will hear an increase in exhaust noise, which is discernible from normal engine noise. Owners must make driver(s) aware that advance warning in the form of additional noise from under the hood suggests a potential EGR cooler pipe exhaust leak that warrants immediate inspection of the pipes. The driver must stop the vehicle immediately in a safe location and inspect the pipes according to the included inspection instructions (see page 3). These instructions must also be used during pre-trip inspections until the recall repair is performed.

Failure to take these precautions and to also advise drivers may result in a fire.

**WHAT YOU SHOULD DO:** You should contact the nearest Volvo Parts and Service Center and make an appointment. The vehicle will be inspected and a heat shield will be installed at no charge to you. All Volvo Parts and Service Centers have been sent a bulletin covering all the details required to perform the safety recall. Volvo Trucks North America strongly recommends that you follow the actions stated in the precaution section above until the heat shield is installed. If your vehicle has the aforementioned condition (pipe separated or broken), you should not operate the vehicle and should contact the Volvo Action Service Support Center at 1-877-840-4945 for further instructions.

In addition, the Standard Volvo Engine Warranty Certificate, which was provided to Chicago Logistics upon purchase of the Truck, states as follows:

**Exclusions, REPAIR:** Warranty consideration can only be given if the deficiency is brought to the attention of an

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**authorized Volvo Trucks dealer upon discovery and the engine must be made available, in a timely fashion during the Warranty period, for repair. Failures resulting from the user's unreasonable delay in making the engine available, after being notified of a potential product problem, are not covered.**

**Volvo Trucks' Standard Truck Warranty Certificate, which was also provided to Chicago Logistics upon purchase of the Truck, states as follows:**

**Exclusions: REPAIR: Warranty consideration can only be given if the deficiency is brought to the attention of an authorized Volvo Trucks dealer upon discovery and the truck must be made available, in a timely fashion during the Warranty period, for repair. Failures resulting from the user's unreasonable delay in making the truck available, after being notified of a potential product problem, are not covered.**

**Volvo Trucks further admits that, prior to the issuance of the first Recall Notice, it issued a press release on January 26, 2006 to numerous media outlets advising, among other things, that if operators "... hear an exhaust leak or noise under the hood, they should stop the vehicle immediately and inspect the pipes. Volvo Trucks also urges customers to examine these pipes during their pre-trip inspection, to check for any cracks or loose sealing." Volvo Trucks denies remaining allegations of Request to Admit No. 15.**

COMMENT: Volvo goes to great length not to respond to Request to Admit 15. Request to Admit 15 requested Volvo to admit that it did not send any correspondence or notices advising Chicago Logistics of a required or suggested time period within which those trucks subject to Safety Recall Notice RVXX060I whose EGR cooler inlet pipes and/or the pipes that connect the EGR valves to the cooler were not cracked or broken must be brought to a Volvo Parts and Service Center to be repaired. In responding to the Request to Admit 15, Volvo proffers language from Safety Recall Notice RVXX0601. None of the language proffered by Volvo purports to suggest advising Chicago Logistics of a required or suggested time period within which those trucks subject to Safety Recall Notice RVXX060I whose EGR cooler inlet pipes and/or the pipes that connect the EGR valves to the cooler were not cracked or broken must be brought to a Volvo Parts and Service Center to be repaired. Despite that fact, Volvo denies the Request to Admit Number 15. Does Volvo contend that it sent any correspondence or

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notices advising Chicago Logistics of a required or suggested time period within which those trucks subject to Safety Recall Notice RVXX0601 whose EGR cooler inlet pipes and/or the pipes that connect the EGR valves to the cooler were not cracked or broken must be brought to a Volvo Parts and Service Center to be repaired? If so, Great West requests that Volvo supplement its document production to include any such correspondence. If not, Great West requests that Volvo admit Request to Admit Number 15.

**ANSWER TO PLAINTIFF'S SUPPLEMENTAL REQUESTS TO ADMIT**

1. Admit that the Safety Recall Notice RVXX0601 dated February 2006, a copy of which is attached as Exhibit A, only advises and instructs that those trucks in which the EGR cooler inlet pipes and/or the pipes that connect the EGR valves to the cooler are separated or broken, not be operated until the safety defects has (sic) been repaired.

**RESPONSE:** Volvo Trucks objects to this request to the extent it is argumentative, vague, ambiguous, and misstates the Safety Recall Notice RVXX0601 dated February 2006. Without waiving its objections, Volvo Trucks admits only that the Safety Recall Notice RVXX0601 dated February 2006 states in part as follows:

**SAFETY RISK:** If a pipe fails and is left untreated, the air cleaner and inner fender may be exposed to hot exhaust gases, which could potentially lead to a fire.

**PRECAUTIONS YOU CAN TAKE: WARNING!** In the event that a pipe fails, the driver will hear an increase in exhaust noise, which is discernible from normal engine noise. Owners must make driver(s) aware that advance warning in the form of additional noise from under the hood suggests a potential EGR cooler pipe exhaust leak that warrants immediate inspection of the pipes. The driver must stop the vehicle immediately in a safe location and inspect the pipes according to the included inspection instructions (see page 3). These instructions must also be used during pre-trip inspections until the recall repair is performed. Failure to take these precautions and to also advise drivers may result in a fire.



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**WHAT YOU SHOULD DO:** You should contact the nearest Volvo Parts and Service Center and make an appointment. The vehicle will be inspected and a heat shield will be installed at no charge to you. All Volvo Parts and Service Centers have been sent a bulletin covering all the details required to perform the safety recall. Volvo Trucks North America strongly recommends that you follow the actions stated in the precaution section above until the heat shield is installed. If your vehicle has the aforementioned condition (pipe separated or broken), you should not operate the vehicle and should contact the Volvo Action Service Support Center at 1-877-800-4945 for further instructions.

**Volvo Trucks denies any remaining allegations in Supplemental Request to Admit No. 1.**

COMMENT: Volvo goes to great length not to respond to Supplemental Request to Admit Number 1. Supplemental Request to Admit Number 1 is not argumentative, vague or ambiguous, nor does it misstate Safety Recall Notice RVXX0601 dated February 2006. None of the language proffered by Volvo purports to instruct or advise owners trucks in which the EGR cooler inlet pipes and/or the pipes that connect the EGR valves to the cooler are not separated or broken not to operate the trucks until the safety defect has been repaired. Great West requests that Volvo reconsider its response to Supplemental Request to Admit 1.

2. Admit that the Safety Recall Notice RVXX0601 dated February 2006, copy of which is attached as Exhibit A, does not advise or instruct that those trucks in which the EGR cooler inlet pipes and/or the pipes that connect the EGR valves to the cooler were not cracked or broken should not be operated until the safety defect described in Safety Recall Notice TVXX0601 is repaired.

**RESPONSE:** Volvo Trucks objects to this request to the extent it is argumentative, vague, ambiguous, and misstates the Safety Recall Notice RVXX0601 dated February 2006. Without waiving its objections, Volvo Trucks admits only that the Safety Recall Notice RVXX0601 dated February 2006 states in part as follows:

**SAFETY RISK:** If a pipe fails and is left untreated, the air cleaner and inner fender may be exposed to hot exhaust gases, which could potentially lead to a fire.



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**PRECAUTIONS YOU CAN TAKE: WARNING!** In the event that a pipe fails, the driver will hear an increase in exhaust noise, which is discernible from normal engine noise. Owners must make driver(s) aware that advance warning in the form of additional noise from under the hood suggests a potential EGR cooler pipe exhaust leak that warrants immediate inspection of the pipes. The driver must stop the vehicle immediately in a safe location and inspect the pipes according to the included inspection instructions (see page 3). These instructions must also be used during pre-trip inspections until the recall repair is performed. Failure to take these precautions and to also advise drivers may result in a fire.

**WHAT YOU SHOULD DO:** You should contact the nearest Volvo Parts and Service Center and make an appointment. The vehicle will be inspected and a heat shield will be installed at no charge to you. All Volvo Parts and Service Centers have been sent a bulletin covering all the details required to perform the safety recall. Volvo Trucks North America strongly recommends that you follow the actions stated in the precaution section above until the heat shield is installed. If your vehicle has the aforementioned condition (pipe separated or broken), you should not operate the vehicle and should contact the Volvo Action Service Support Center at 1-877-800-4945 for further instructions.

**Volvo Trucks denies any remaining allegations in Supplemental Request to Admit No. 2.**

COMMENT: Volvo goes to great length not to respond to Supplemental Request to Admit Number 2. Supplemental Request to Admit Number 2 is not argumentative, vague or ambiguous, and nor does it misstate Safety Recall Notice RVXX0601 dated February 2006. None of the language proffered by Volvo purports to instruct or advise owners trucks in which the EGR cooler inlet pipes and/or the pipes that connect the EGR valves to the cooler are not separated or broken not to operate the trucks until the safety defect has been repaired. If it is Volvo's contention that Safety Recall Notice RVXX0601 dated February 2006 advises or instructs that those trucks in which the EGR cooler inlet pipes and/or the pipes that connect the EGR valves to the cooler were not cracked or broken should not be operated until the safety defect described in Safety Recall Notice TVXX0601 is repaired. If so, Great West requests that Volvo supplement its document production and produce all documents to support this contention. If not, Great West requests that Volvo admit Supplemental Request to Admit Number 2.

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3. Admit that the Safety Recall Notice RVXX0601 dated February 2006, a copy of which is attached as Exhibit A, does not provide a required time frame in which the trucks subject to Safety Recall Notice RVXX0601 must be brought to a Volvo Parts and Service Center to be repaired.

**RESPONSE:** Volvo Trucks objects to this request to the extent it is argumentative, vague, ambiguous, and misstates the Safety Recall Notice RV-M601 dated February 2006. Without waiving its objections, Volvo Trucks admits only that the Safety Recall Notice RVXX0601 dated February 2006 states in part as follows:

**SAFETY RISK:** If a pipe fails and is left untreated, the air cleaner and inner fender may be exposed to hot exhaust gases, which could potentially lead to a fire.

**PRECAUTIONS YOU CAN TAKE: WARNING!** In the event that a pipe fails, the driver will hear an increase in exhaust noise, which is discernible from normal engine noise. Owners must make driver(s) aware that advance warning in the form of additional noise from under the hood suggests a potential EGR cooler pipe exhaust leak that warrants immediate inspection of the pipes. The driver must stop the vehicle immediately in a safe location and inspect the pipes according to the included inspection instructions (see page 3). These instructions must also be used during pre-trip inspections until the recall repair is performed. Failure to take these precautions and to also advise drivers may result in a fire.

**WHAT YOU SHOULD DO:** You should contact the nearest Volvo Parts and Service Center and make an appointment. The vehicle will be inspected and a heat shield will be installed at no charge to you. All Volvo Parts and Service Centers have been sent a bulletin covering all the details required to perform the safety recall. Volvo Trucks North America strongly recommends that you follow the actions stated in the precaution section above until the heat shield is installed. If your vehicle has the aforementioned condition (pipe separated or broken), you should not operate the vehicle and should contact the Volvo Action Service Support Center at 1-877-800-4945 for further instructions.

Volvo Trucks denies any remaining allegations in Supplemental Request to Admit No. 3.

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COMMENT: Volvo goes to great length not to respond to Supplemental Request to Admit Number 3. Supplemental Request to Admit Number 3 is not argumentative, vague or ambiguous, and nor does it misstate Safety Recall Notice RVXX0601 dated February 2006. None of the language proffered by Volvo purports to instruct or advise owners of a required time frame in which trucks subject to Safety Recall Notice RVXX 0601 must be brought to a Volvo Part and Service Center to be repaired. If it is Volvo's contention that Safety Recall Notice RVXX0601 dated February 2006 instructs or advises owners of a required time frame in which trucks subject to Safety Recall Notice RVXX 0601 must be brought to a Volvo Part and Service Center to be repaired. If so, Great West requests that Volvo supplement its document production and produce all documents to support this contention. If not, Great West requests that Volvo admit Supplemental Request to Admit Number 3.

4. Admit that the Safety Recall Notice RVXX0601 Second Notice dated September 2006, a copy of which is attached as Exhibit B, only advises and instructs that those trucks in which the EGR cooler inlet pipes and/or the pipes that connect the EGR valves to the cooler are separated or broken, not be operated until the safety defects has been repaired.

**RESPONSE:** Volvo Trucks objects to this request to the extent it is argumentative, vague, ambiguous, and misstates the Safety Recall Notice RVXX0601 Second Notice dated September 2006. Without waiving its objections, Volvo Trucks admits only that the Safety Recall Notice RVXX0601 Second Notice dated September 2006 states in part as follows:

**SAFETY RISK:** If a pipe fails and is left untreated, the air cleaner and inner fender may be exposed to hot exhaust gases, which could potentially lead to a fire.

**PRECAUTIONS YOU CAN TAKE: WARNING!** In the event that a pipe fails, the driver will hear an increase in exhaust noise, which is discernible from normal engine noise. Owners must make driver(s) aware that advance warning in the form of additional noise from under the hood suggests a potential EGR cooler pipe exhaust leak that warrants immediate inspection of the pipes. The driver must stop the vehicle immediately in a safe location and inspect the pipes according to the included inspection instructions (see page 3). These instructions

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**must also be used during pre-trip inspections until the recall repair is performed. Failure to take these precautions and to also advise drivers may result in a fire.**

**WHAT YOU SHOULD DO:** You should contact the nearest Volvo Parts and Service Center and make an appointment. The vehicle will be inspected and a heat shield will be installed at no charge to you. All Volvo Parts and Service Centers have been sent a bulletin covering all the details required to perform the safety recall. Volvo Trucks North America strongly recommends that you follow the actions stated in the precaution section above until the heat shield is installed. If your vehicle has the aforementioned condition (pipe separated or broken), you should not operate the vehicle and should contact the Volvo Action Service Support Center at 1-877-800-4945 for further instructions.

**Volvo Trucks denies any remaining allegations in Supplemental Request to Admit No. 4.**

COMMENT: Volvo goes to great length not to respond to Supplemental Request to Admit Number 4. Supplemental Request to Admit Number 4 is not argumentative, vague or ambiguous, and nor does it misstate Safety Recall Notice RVXX0601 dated September 2006. None of the language proffered by Volvo purports to instruct or advise owners trucks in which the EGR cooler inlet pipes and/or the pipes that connect the EGR valves to the cooler are not separated or broken not to operate the trucks until the safety defect has been repaired. Great West requests that Volvo reconsider its response to Supplemental Request to Admit 4.

5. Admit that the Safety Recall Notice RVXX0601 Second Notice dated September 2006, a copy of which is attached as Exhibit B, does not advise or instruct that those trucks in which the EGR cooler inlet pipes and/or the pipes that connect the EGR valves to the cooler were not cracked or broken should not be operated until the safety defect described in Safety Recall Notice RVXX0601 is repaired.

**RESPONSE:** Volvo Trucks objects to this request to the extent it is argumentative, vague, ambiguous, and misstates the Safety Recall Notice RVXX0601 Second Notice dated September 2006. Without waiving its objections, Volvo Trucks admits only that the Safety Recall Notice RVXX0601 Second Notice dated September 2006 states in part as follows:



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**SAFETY RISK:** If a pipe fails and is left untreated, the air cleaner and inner fender may be exposed to hot exhaust gases, which could potentially lead to a fire.

**PRECAUTIONS YOU CAN TAKE: WARNING!** In the event that a pipe fails, the driver will hear an increase in exhaust noise, which is discernible from normal engine noise. Owners must make driver(s) aware that advance warning in the form of additional noise from under the hood suggests a potential EGR cooler pipe exhaust leak that warrants immediate inspection of the pipes. The driver must stop the vehicle immediately in a safe location and inspect the pipes according to the included inspection instructions (see page 3). These instructions must also be used during pre-trip inspections until the recall repair is performed. Failure to take these precautions and to also advise drivers may result in a fire.

**WHAT YOU SHOULD DO:** You should contact the nearest Volvo Parts and Service Center and make an appointment. The vehicle will be inspected and a heat shield will be installed at no charge to you. All Volvo Parts and Service Centers have been sent a bulletin covering all the details required to perform the safety recall. Volvo Trucks North America strongly recommends that you follow the actions stated in the precaution section above until the heat shield is installed. If your vehicle has the aforementioned condition (pipe separated or broken), you should not operate the vehicle and should contact the Volvo Action Service Support Center at 1-877-800-4945 for further instructions.

**Volvo Trucks denies any remaining allegations in Supplemental Request to Admit No. 5.**

**COMMENT:** Volvo goes to great length not to respond to Supplemental Request to Admit Number 5. Supplemental Request to Admit Number 5 is not argumentative, vague or ambiguous, and nor does it misstate Safety Recall Notice RVXX0601 dated September 2006. None of the language proffered by Volvo purports to instruct or advise owners trucks in which the EGR cooler inlet pipes and/or the pipes that connect the EGR valves to the cooler are not separated or broken not to operate the trucks until the safety defect has been repaired. If it is Volvo's contention that Safety Recall Notice RVXX0601 dated September 2006 advises or instructs that those trucks in which the EGR cooler inlet pipes and/or the pipes that connect the EGR valves to the cooler were not cracked or broken should not be operated until the safety defect described in Safety Recall Notice TVXX0601 is repaired. If so, Great West requests that

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Volvo supplement its document production and produce all documents to support this contention. If not, Great West requests that Volvo admit Supplemental Request to Admit Number 5.

6. Admit that the Safety Recall Notice RVXX0601 Second Notice dated September 2006, a copy of which is attached as Exhibit B, does not provide a required time frame in which the trucks subject to Safety Recall Notice RVXX0601 must be brought to a Volvo Parts and Service Center to be repaired.

**RESPONSE:** Volvo Trucks objects to this request to the extent it is argumentative, vague, ambiguous, and misstates the Safety Recall Notice RVXX0601 Second Notice dated September 2006. Without waiving its objections, Volvo Truck states in part as follows: Safety Recall Notice RVXX0601 Second Notice dated September 2006 states in part as follows:

**SAFETY RISK:** If a pipe fails and is left untreated, the air cleaner and inner fender may be exposed to hot exhaust gases, which could potentially lead to a fire.

**PRECAUTIONS YOU CAN TAKE: WARNING!** In the event that a pipe fails, the driver will hear an increase in exhaust noise, which is discernible from normal engine noise. Owners must make driver(s) aware that advance warning in the form of additional noise from under the hood suggests a potential EGR cooler pipe exhaust leak that warrants immediate inspection of the pipes. The driver must stop the vehicle immediately in a safe location and inspect the pipes according to the included inspection instructions (see page 3). These instructions must also be used during pre-trip inspections until the recall repair is performed. Failure to take these precautions and to also advise drivers may result in a fire.

**WHAT YOU SHOULD DO:** You should contact the nearest Volvo Parts and Service Center and make an appointment. The vehicle will be inspected and a heat shield will be installed at no charge to you. All Volvo Parts and Service Centers have been sent a bulletin covering all the details required to perform the safety recall. Volvo Trucks North America strongly recommends that you follow the actions stated in the precaution section above until the heat shield is installed. If your vehicle has the aforementioned condition (pipe separated or broken), you should not operate the



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**vehicle and should contact the Volvo Action Service Support Center at 1-877-800-4945 for further instructions.**

**Volvo Trucks denies any remaining allegations in Supplemental Request to Admit No. 6.**

COMMENT: Volvo goes to great length not to respond to Supplemental Request to Admit Number 6. Supplemental Request to Admit Number 6 is not argumentative, vague or ambiguous, and nor does it misstate Safety Recall Notice RVXX0601 dated September 2006. None of the language proffered by Volvo purports to instruct or advise owners of a required time frame in which trucks subject to Safety Recall Notice RVXX 0601 must be brought to a Volvo Part and Service Center to be repaired. If it is Volvo's contention that Safety Recall Notice RVXX0601 dated September 2006 instructs or advises owners of a required time frame in which trucks subject to Safety Recall Notice RVXX 0601 must be brought to a Volvo Part and Service Center to be repaired. If so, Great West requests that Volvo supplement its document production and produce all documents to support this contention. If not, Great West requests that Volvo admit Supplemental Request to Admit Number 6.

7. Admit that you never sent Chicago Logistics any correspondence or notices advising that those express warranties set forth in Volvo's Standard Truck Warranty Certificate, a copy of which is attached as Exhibit C, would be voided or rescinded unless those trucks subject to the safety Recall Notice RVXX0601 were brought in to a Volvo Parts and Service Center to be repaired within a specified time period.

**RESPONSE: Volvo Trucks objects to this request to the extent it is argumentative, vague, and ambiguous. Without waiving its objections, Volvo Trucks denies Supplemental Request to Admit No. 7, as Volvo Trucks' Standard Truck Warranty Certificate, which was provided to Chicago Logistics upon purchase of the Truck, states as follows:**

**Exclusions: REPAIR: Warranty consideration can only be given if the deficiency is brought to the attention of an authorized Volvo Trucks dealer upon discovery and the truck must be made available, in a timely fashion during the Warranty period, for repair. Failures resulting**

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**from the user's unreasonable delay in making the truck available, after being notified of a potential product problem, are not covered.**

COMMENT: Volvo does not answer Supplemental Request to Admit Number 7. Supplemental Request to Admit is not argumentative, vague, or ambiguous. Supplemental Request to Admit Number 7 requests Volvo to admit that it never sent Chicago Logistics any correspondence or notices advising that those express warranties set forth in Volvo's Standard Truck Warranty Certificate, would be voided or rescinded unless those trucks subject to the safety Recall Notice RVXX0601 were brought in to a Volvo Parts and Service Center to be repaired within a specified time period. Instead of responding to the Request as posed, Volvo proffers language from its Standard Truck Warranty Certificate. However, the language proffered by Volvo does not purport to advise owners that the express warranties set forth in Volvo's Standard Truck Warranty Certificate would be voided or rescinded unless those trucks subject to the safety Recall Notice RVXX0601 were brought in to a Volvo Parts and Service Center to be repaired within a specified time period. Does Volvo contend that it sent Chicago Logistics any correspondence or notices advising that those express warranties set forth in Volvo's Standard Truck Warranty Certificate would be voided or rescinded unless those trucks subject to the safety Recall Notice RVXX0601 were brought in to a Volvo Parts and Service Center to be repaired within a specified time period? If so, Great West requests that Volvo supplement its document production and produce all such documents that support this contention. If not, Great West requests that Volvo admit Supplemental Request to Admit Number 7.

8. Admit that you never sent Chicago Logistics any correspondence or notices advising that those express warranties set forth in Volvo's Standard Volvo Engine Warranty Certificate, a copy of which is attached as Exhibit D, would be voided or rescinded unless those trucks subject to Safety Recall Notice RVXX0601 were brought to a Volvo Parts and Service Center to be repaired within a specified time period.

**RESPONSE: Volvo Trucks objects to this request to the extent it is argumentative, vague, and ambiguous. Without waiving its objections, Volvo Trucks denies Supplemental Request to Admit No. 8, as the Standard Volvo Engine Warranty Certificate, which was provided to Chicago Logistics upon purchase of the Truck, states as follows:**

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**Exclusions: REPAIR: Warranty consideration can only be given if the deficiency is brought to the attention of an authorized Volvo Trucks dealer upon discovery and the engine must be made available, in a timely fashion during the warranty period, for repair. Failures resulting from the user's unreasonable delay in making the engine available, after being notified of a potential product problem, are not covered.**

COMMENT: Volvo does not answer Supplemental Request to Admit Number 8. Supplemental Request to Admit is not argumentative, vague, or ambiguous. Supplemental Request to Admit Number 8 requests Volvo to admit that it never sent Chicago Logistics any correspondence or notices advising that those express warranties set forth in Volvo's Standard Volvo Engine Warranty Certificate would be voided or rescinded unless those trucks subject to the safety Recall Notice RVXX0601 were brought in to a Volvo Parts and Service Center to be repaired within a specified time period. Instead of responding to the Request as posed, Volvo proffers language from its Standard Volvo Engine Warranty Certificate. However, the language proffered by Volvo does not purport to advise owners that the express warranties set forth in Volvo's Standard Volvo Engine Warranty Certificate would be voided or rescinded unless those trucks subject to the safety Recall Notice RVXX0601 were brought in to a Volvo Parts and Service Center to be repaired within a specified time period. Does Volvo contend that it sent Chicago Logistics any correspondence or notices advising that those express warranties set forth in Volvo's Standard Volvo Engine Warranty Certificate, would be voided or rescinded unless those trucks subject to the safety Recall Notice RVXX0601 were brought in to a Volvo Parts and Service Center to be repaired within a specified time period? If so, Great West requests that Volvo supplement its document production and produce all such documents that support this contention. If not, Great West requests that Volvo admit Supplemental Request to Admit Number 8.

Very Truly Yours,

O'Hagan Spencer LLC

  
Patrick J. Keating

  
Luke P. Sheridan